

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JORDAN ZITO,

4 Plaintiff

5 v.

6 DEPARTMENT OF EMPLOYMENT,
7 TRAINING AND REHABILITATION, et
al.,

8 Defendants

Case No.: 3:24-cv-00244-ART-CSD

**Report & Recommendation of
United States Magistrate Judge**

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10 This Report and Recommendation is made to the Honorable Anne R. Traum, United
11 States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to
12 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

13 Plaintiff filed an application to proceed *in forma pauperis* (IFP) and pro se complaint.
14 (ECF Nos. 1, 1-1.) On July 19, 2024, the court issued an order granting Plaintiff's IFP
15 application and screening Plaintiff's complaint. The court found Plaintiff's complaint did not
16 state any plausible claim for relief. The complaint was filed, and was dismissed, but with leave to
17 amend to afford Plaintiff an opportunity to attempt to state a plausible claim for relief against a
18 proper defendant. (ECF No. 6.)

19 Plaintiff filed a notice of appeal. (ECF No. 8.) On August 29, 2024, the Ninth Circuit
20 issued an order dismissing the appeal for lack of jurisdiction because the order challenged in the
21 appeal is not final or appealable. (ECF No. 10.)

22 On September 6, 2024, Plaintiff filed a document containing numerous derogatory
23 statements about the undersigned and the courts in general; however, the title of the filing is
"Notice of Intent not to Amend." (ECF No. 12.)

1 Given Plaintiff's representation that he does not intend to submit an amended complaint,
2 it is recommended that this action be dismissed with prejudice.

3 **RECOMMENDATION**

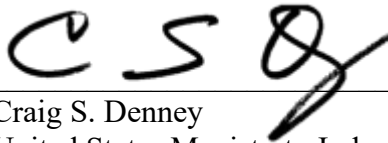
4 IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING**
5 this action **WITH PREJUDICE** and **DENYING AS MOOT** the other pending motions (ECF
6 Nos. 4, 5, 11).

7 Plaintiff should be aware of the following:

8 1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
9 this Report and Recommendation within fourteen days of being served with a copy of the Report
10 and Recommendation. These objections should be titled "Objections to Magistrate Judge's
11 Report and Recommendation" and should be accompanied by points and authorities for
12 consideration by the district judge.

13 2. That this Report and Recommendation is **not** an appealable order and that any notice
14 of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be
15 filed until entry of judgment by the district court.

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17 Dated: September 10, 2024

18 
19 Craig S. Denney
20 United States Magistrate Judge
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